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OCT 29 2004

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October 29, 2004

Number of Pages:

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Markmann et al.

Serial No. 09/701,501

Filed: January 8, 2001

For: Novel Linoleum Structure and  
Method for Producing Same

Examiner: Sheeba Ahmed

Art Unit: 1773

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PTO/SB/21 (09-04)

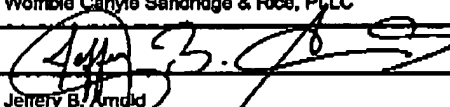
Approved for use through 07/31/2006. OMB 0851-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/701,501
	Filing Date	January 8, 2001
	First Named Inventor	Ole Markmann
	Art Unit	1773
	Examiner Name	Ahmed, Sheeba
Total Number of Pages in This Submission	Attorney Docket Number	D078 1100

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Amendment Transmittal Letter</b>
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Womble Carlye Sandridge & Rice, PLLC		
Signature			
Printed name	Jeffrey B. Arnold		
Date	October 29, 2004	Reg. No.	39,540

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	ERICA BONGTHUER	Date	October 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours in complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$).00

## Complete if Known

Application Number 09/701,501  
 Filing Date January 8, 2001  
 First Named Inventor Ole Markmann  
 Examiner Name Ahmed, Sheeba  
 Art Unit 1773  
 Attorney Docket No. D078 1100

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None
☐ Deposit Account:

Deposit Account Number 09-0528

Deposit Account Name Womble Carlyle Sandridge

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 650	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$).00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
15	-17** = 0		
Independent Claims	2	-2** = 0	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$).00

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 960	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2601 685	Utility issue fee (or reissue)	
1602 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 60	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 780	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$).00

## SUBMITTED BY

Name (Print/Type) Jeffrey B. Arnold Registration No. 39,640 Telephone 404-879-2433  
 Signature [Signature] Date October 29, 2004

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OCT 29 2004

In re PATENT application of: Ole Markmann, et al.  
Serial No: 09/701,501  
Filed: January 8, 2001  
Title: Novel Linoleum Structure and Method for Producing Same  
Customer No: 41461.0011.8

**AMENDMENT TRANSMITTAL LETTER**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

CLAIMS AS AMENDED					
	Claims after Amend.	Highest Prev. Paid For	Extra	Rate SE/LE	Additional Fee
Total Claims	15	- 20	= 0	X \$9/\$18	= \$0
Indep Claims	2	- 3	= 0	X \$43/\$86	= \$0
				Total Additional Fee for this Amendment = \$0	



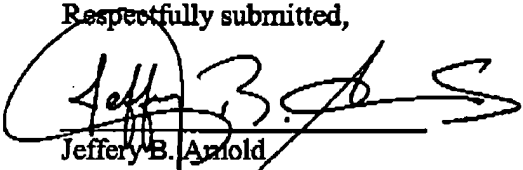
No fee is required.

The Commissioner is hereby authorized to charge the Amendment Fee of \$0.00 and charge any additional fees which may be required, or credit any overpayment to our Deposit Account No. 09-0528.

Respectfully submitted,

October 29, 2004

Date

  
Jeffery B. Arnold  
Reg. No. 39,540

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
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Docket Number: D078 1100 (41461.0011.8)

ATLANTA 422206v1

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## PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Markmann et al.

**Serial No. 09/701,501**

**Filed: January 8, 2001**

**For: Novel Linoleum Structure and Method for Producing Same**

**Examiner: Sheeba Ahmed**

**Art Unit: 1773**

### AMENDMENT AND RESPONSE

In response to the outstanding Office Action mailed July 29, 2004, Applicants respectfully request reconsideration and further examination in view of the following amendment and remarks.

**Amendments to the Claims** are reflected in the Listing of Claims which begins on page 2 of this paper.

**Remarks begin on page 5 of this paper.**

**Conclusion is on page 8 of this paper.**

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